

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

By the foregoing amendments, the saccharide or sugar alcohol is limited to D-mannitol, and the active ingredient is limited to pioglitazone hydrochloride.

The wording “dry tableting” on page 25, line 21 has been discovered to be a translation error should be read as “wet granulation” because water, etc. are used to prepare granules for tablets. In addition, the corresponding Japanese PCT specification correctly refers to “wet granulation”. Thus the correction is a correction of an obvious error.

Claims 34-36 and 40-42 are rejected under 35 USC 112, first paragraph.

Claims 34-36 are supported by page 16, line 13.

Claims 40-42 are amended and are supported at page 17, lines 20-24.

Thus the rejection of claims 34-36 and 40-42 under 35 USC 112 is deemed to be overcome.

Claims 12-13 and 34-39 are rejected under 35 USC as obvious over WO 90/46215 and WO 98/53798. This ground of rejection is deemed to be overcome as applied to the amended claims.


The cited references fail to disclose or suggest the specific ingredients of claims 12-13 and 33-42 as amended.

Accordingly it is respectfully submitted that the cited reference fails to make obvious the claimed invention.

In view of the foregoing, it is respectfully submitted that the claims as amended are patentable and nonobvious over the prior art, and allowance is solicited.

Respectfully submitted,

Kazuhiro OHKOUCHI et al.

By: 
Warren M. Cheek
Registration No. 33,367
Attorney for Applicants

WMC/dlk
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
December 23, 2008